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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/014,323	12/10/2001	Bruce Cole	Juniper-1 (JNP-0031)	1492
7590 STRAUB & POKOTYLO 620 TINTON AVENUE BLDG, B, 2ND FLOOR TINTON FALLS, NJ 07724-9071			EXAMINER NG, CHRISTINE Y	
			ART UNIT 2616	PAPER NUMBER
			MAIL DATE 03/21/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/014,323

**Applicant(s)**

COLE ET AL.

**Examiner**

CHRISTINE NG

**Art Unit**

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 December 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 11-28 and 30-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 20-28, 35 and 36 is/are allowed.
- 6) ☒ Claim(s) 11-19 and 30-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 December 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 11-19 and 30-34 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 11-19 and 30-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 7,031,252 to Hosler et al.

Referring to claim 11, 16, 18 and 19, Hosler et al disclose in Figure 2 a router (router 201 and 202, which may be in combined in one router) having, at a given time, a currently designated routing facility (working interface 214) and a current standby routing facility (protect interface 216). Refer to Column 5, lines 40-47. A method comprises:

- a) Informing an external node (ADM 210) that the router has redundant routing facilities. ADM 210 knows there are two interfaces 214 and 216, since ADM 210 selects which interface to receive data from. Refer to Column 6, lines 25-34 and lines 47-49.
- b) Informing an external node of the identity of the currently designated routing facility. The system uses "bytes K1 and K2 in the line overhead portion of the frame to

identify the interface, either working or protect, from which an ADM is currently receiving data" (Column 6, lines 18-22).

c) Providing, with the currently designated routing facility when it is in a state of being the designated routing facility, network information to the external node. ADM 210 communicates data with both working interface 214 and protect interface 216, but only listens to one currently selected interface. Refer to Column 6, lines 12-39.

d) Providing, with the current standby routing facility when it is in a state of being the standby routing facility, network information to the external node. However, ADM 210 still maintains an ongoing protocol dialogue with the other interface that is not currently selected. Refer to Column 6, lines 12-39.

Referring to claim 12, Hosler et al disclose in Figure 2 disclose wherein the currently designated routing facility and current standby routing facility share a common forwarding facility (fiber optic lines 205). Refer to Column 5, lines 40-47.

Referring to claim 13, Hosler et al disclose in Figure 2 wherein the act of informing an external node that the router has redundant routing facilities includes generating and transmitting a message including an identification of the router, an address of the currently designated routing facility, and an address of the current standby routing facility. The system uses "bytes K1 and K2 in the line overhead portion of the frame to identify the interface, either working or protect, from which an ADM is currently receiving data" (Column 6, lines 18-22). Furthermore, each interface is associated with destination network addresses which are based on the Internet Protocol. Each router must also have its own identification since each router contains

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different interfaces for different network destinations and if network configuration changes, every involved router is notified of the new configuration. Refer to Column 5, line 64 to Column 6, line 5; and Column 7, lines 14-16.

Referring to claim 14, Hosler et al disclose in Figure 2 wherein the act of informing an external node that the router has redundant routing facilities uses an existing BGP message format. Refer to Column 5, line 64 to Column 6, line 5.

Referring to claims 15 and 30, Hosler et al disclose wherein the method further comprises:

- e) If a failure of the currently designated routing facility is determined, then
- i) electing the current standby routing facility as a new designated routing facility.
- ii) informing the external node of the identity of the newly elected new designated routing facility. In an APS 1+1 system, data is transmitted on the working and protect interfaces so if the working interfaces fails, the protect interfaces takes over. Refer to Column 2, lines 1-11 and Column 11, lines 1-13. Furthermore, the system uses "bytes K1 and K2 in the line overhead portion of the frame to identify the interface, either working or protect, from which an ADM is currently receiving data" (Column 6, lines 18-22).

Referring to claim 17, Hosler et al disclose in Figure 2 wherein the currently designated routing facility has a first internet address and the current standby routing facility has a second internet address. Each interface is associated with destination network addresses which are based on the Internet Protocol. Refer to Column 5, line 64 to Column 6, line 5; and Column 7, lines 14-16.

Referring to claims 31 and 33, Hosler et al disclose in Figure 2 wherein the external node is a second router which is external to the router having, at a given time, a currently designated routing facility and a current standby routing facility. ADM 210 is a router since it routes information to remote ADM 212 and router 209.

Referring to claims 32 and 34, Hosler et al disclose in Figure 1 wherein the router and the second router belong to different autonomous systems. A SDH/SONET network can encompass different autonomous systems, such as the backbone system 110/120 and backbone system 130/140. Refer to Column 4, lines 21-34.

***Allowable Subject Matter***

4. Claims 20-28, 35 and 36 are allowed.

***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHRISTINE NG whose telephone number is (571)272-3124. The examiner can normally be reached on M-F; 8:00 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on (571) 272-3155. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

C. Ng  
March 17, 2008

/Frank Duong/  
Primary Examiner, Art Unit 2616